

FOREIGN CLAIMS SETTLEMENT COMMISSION

ALBANIA CLAIMS PROGRAM

INSTRUCTIONS FOR SUBMITTING A CLAIM

Claims Against Albania for Property Losses of United States Nationals

Title I of the International Claims Settlement Act of 1949, as amended, and the 1995 Settlement Agreement between the Government of the United States of America and the Government of the Republic of Albania authorize the Foreign Claims Settlement Commission to receive and determine the value of certain claims for loss of property which was nationalized, expropriated, or otherwise taken by the former Socialist Republic of Albania or other takings for which the former Socialist Republic of Albania may have been responsible.

Please read these Instructions carefully. They will help you to establish a valid claim and will tell you what other documents or evidence you will need to prove your claim.

WHO MAY FILE A CLAIM

An individual may file a claim if he or she was a United States citizen living in the United States as of April 18, 1995, the effective date of the U.S.-Albania Settlement Agreement, or alternatively, if the individual and his or her predecessor(s) in interest resided in the United States for at least one-half of the time between the date of taking of the claimed property and the effective date of the Settlement Agreement, April 18, 1995. In addition, the property must have been owned by a United States citizen at the time of taking.

A corporation or other entity may file a claim if it is organized under the laws of the United States or of any state, the District of Columbia or Puerto Rico, and natural persons who are citizens of the United States who directly or indirectly own 50% or more of the outstanding stock or other beneficial interest of the corporation or entity.

In writing up a statement of claim, no particular format is required. A statement of claim will be considered as acceptable so long as it covers all of the relevant elements of the claim (see "How to Prove a Valid Claim" on page 2).

ADDITIONAL CLAIMANTS

If more than one claimant has an interest in any of the property claimed, each claimant may file a separate statement of claim for his or her interest in the loss. State the percentage of each claimant's interest in the losses claimed. Submit proof of each claimant's United States nationality at the time the claim arose. Each claimant must sign his or her own statement of claim, with name and address included.

WHAT LOSSES MAY BE CLAIMED

The Settlement Agreement covers all claims by United States nationals (i.e., individual U.S. citizens and U.S. citizen-owned corporations) against Albania resulting from uncompensated nationalization, expropriation, confiscation, or other taking of real property and other property rights and interests by the Albanian regime which took power at the end of World War II.

The Commission will decide in each case whether the claimant has established a valid claim.

If you are not sure whether your claim is eligible, you should file a statement of claim giving all details. The Commission will then decide if your loss is covered.

HOW TO PROVE A VALID CLAIM

To make a valid claim for losses in Albania, the claimant must prove:

1. The actual or approximate date on which the claimed property was nationalized or otherwise taken by the Albanian Communist regime;
2. That the property in fact was lost as the result of a nationalization or other taking;
3. That the owner of the property was a United States national (that is, a U.S. citizen or U.S. company) on the date the property was taken;
4. That the claim arising from the taking was continuously owned by a United States national from the date of loss until the date the claim was filed with the Commission;
5. That the claimant (a U.S. national) was the owner of the property on the date of loss or the legal successor in interest to the owner (a U.S. national);
6. That the claimant was residing in the United States on April 18, 1995, the effective date of the Settlement Agreement, or if not, that the claimant and his or her predecessor(s) in interest resided in the United States for at least one-half of the time between the date the claim arose and April 18, 1995; and
7. The value of the property at the time it was taken.

HOW TO PROVE UNITED STATES CITIZENSHIP

There are several ways to provide proof of your United States citizenship or that of another person whose citizenship is important, such as the owner of the property at the time it was taken. If a claim was filed with this Commission in another claims program, proof of citizenship may already have been provided. The Commission will check this for you if you provide the claim number and the full name of the claimant of the previous claim.

If proof of United States citizenship has not been provided in another claims program, and you or the person whose citizenship must be established were born in the United States, provide a copy of the birth certificate. If the birth certificate is not available, provide a baptismal certificate for consideration by the Commission.

If you or the person for whom proof of citizenship must be provided were naturalized as a United States citizen, you must provide a copy of the Certificate of Naturalization.

If United States citizenship is claimed through marriage to a United States citizen, or through parents who were United States citizens, provide all relevant details to the Commission.

HOW TO PROVE OWNERSHIP OF PROPERTY

Official Albanian government records or recorded deeds are the best proof of ownership of property. If you cannot obtain any of these documents, submit other proof such as deeds, wills, leases, receipts for rent, taxes paid, tax bills, or affidavits of persons who knew the facts of ownership. The Commission may also search on its own for evidence of ownership in Albania.

HOW TO PROVE TAKING OF PROPERTY

Official decrees and notices issued by the Albanian government are the best way to prove that property was taken and the date it was taken. If you cannot provide these, submit other proof such as affidavits or letters or other documents written at the time the property was taken, which refer to the taking of the property. Be sure you provide all the information you can about the taking of the property.

HOW TO PROVE VALUE OF PROPERTY

To rule on your claim, the Commission must decide the value of the property at the time it was taken. In many cases this may be less than the value of the property now. You should submit these kinds of evidence to help prove the value of your property: assessment or tax records; if the property was purchased, the date of purchase and price paid; any unpaid mortgages; appraisals of the property or of similar property located nearby; affidavits of persons who were familiar with your property; photographs; and in the case of business property, inventories, corporate books, and proof of rental income. Most important, you should give a detailed description of your property, including the size of any piece of land, the age, condition and kind of any buildings or other improvements to the property, and, if applicable, the presence of income-producing trees or plants such as fruit trees or grape vines.

You can represent yourself before the Commission, OR you can have a lawyer represent you. Commission rules do not require claimants to have lawyers.

If you do decide to have a lawyer represent you, be sure that your lawyer is licensed to practice law in a State or Territory of the United States or in the District of Columbia.

Note that Commission rules limit a lawyer's fees (not expenses) to 10% of the total amount paid on any award certified by the Commission.

If more than one claimant has an interest in any of the property claimed, please read the instructions for "Additional Claimants" on page (1) above. Those instructions explain what additional information you must provide.

If you are filing a claim for a corporation, partnership or other kind of business, prepare and attach a statement giving information about the ownership, date and place of incorporation, and history of any reorganizations or changes in ownership between the time the property was taken and the date the claim is filed. A corporation or other kind of business must submit a statement by an officer of the organization certifying that the percentage of ownership by United States nationals is 50% or more.

Give your best estimate of the value at the time the property was taken. If the Commission determines that your property was worth more than you estimated, the Commission will award you the higher amount. On the other hand, the Commission may award less than your estimate if the evidence does not support your estimate.

If you are claiming for loss of several parcels of land or buildings, please give all information for each piece of land and for each building. The Commission must have a complete history of ownership and complete information about how the property was taken. Please also give a detailed description of the property and information about its value.

If your claim is for more than one piece of land or one building, give complete information for each one.

If you are claiming for loss of personal property, such as household furnishings, vehicles, jewelry, or other movable items, list and describe each item of personal property in your claim. Also give complete information about when, where, and how the personal property was taken, and the value of that property.

If you are claiming for loss of business interests, OR if you are claiming for a debt, OR if you are claiming for any other kind of loss, list and describe the lost property in detail, and explain when, where and how the loss happened. You should also estimate the value of the lost property if you cannot provide documentary evidence.

If you are claiming for loss of a business interest, you must also state the percentage of your ownership of the partnership, corporation or other business.

HOW YOUR CLAIM WILL BE HANDLED

The Foreign Claims Settlement Commission will review your statement of claim as soon as you file it. The address to which it should be sent is printed below. The Commission will advise you if more information is needed. Then you will have time to obtain that information. After all information is submitted, the Commission will make a Proposed Decision on your claim. A copy of the Proposed Decision will be sent to you or your lawyer (if you have one). The Proposed Decision then becomes the Final Decision of the Commission, unless you file an Objection.

If you do not agree with the Proposed Decision, you may file an Objection. Your Objection should explain why the Proposed Decision is wrong. Your Objection should also include any

additional proof you want the Commission to consider. You may also ask for an oral hearing with the Commission. At a hearing, you or your lawyer (if you have one) can present arguments, additional evidence, and live statements by witnesses of whom the Commission may ask questions. The Commission will consider your Objection and the hearing (if there is a hearing). The Commission will then make its Final Decision on your claim. A copy of the Final Decision will be sent to you or your lawyer (if you have one).

Even after the Final Decision, you can ask the Commission to re-open your claim if you find new evidence that might change the Final Decision. However, you cannot wait. You must ask the Commission to re-open your claim immediately after you obtain the new evidence.

PAYMENT OF AWARDS

If the Commission finds you entitled to an award of compensation, it will certify the amount of the award to the Department of the Treasury for payment once the decision-making of the award is finalized. The Department of the Treasury will send you a form asking you to verify your name and address. After you complete and return that form, the Department will then send you a check in the amount of your award.

FOR MORE INFORMATION

If you have questions or need help completing a statement of claim, you can call the offices of the Foreign Claims Settlement Commission (202/616-6975) Monday through Friday, 9:00 a.m. to 5:30 p.m. Or you can write to the Commission at the following address:

**Foreign Claims Settlement Commission
600 E Street, N.W. Room 6002
Washington, D.C. 20579**

